

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

United States of America,

No. 24-mc-50456

Plaintiff,

Hon. Gershwin A. Drain

v.

United States District Judge

Mohamed Kazkaz,

Defendant.

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**RESPONSE IN OPPOSITION TO THE DEFENDANT’S MOTION  
FOR RETURN OF SEIZED PROPERTY (ECF NO.**

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The United States of America responds in opposition to the defendant’s motion for return of property and states as follows:

1. Kazkaz’s motion seeks information that would lead to the return of property seized from his residence during the execution of a search warrant. The home business to which Kazkaz refers is Centre, a business he admitted was the primary vehicle through which he committed Medicare fraud. (23-cr-20022, Kazkaz Rule 11 Plea Agreement, ECF No. 113, PgID 1071-1074).

2. The court should deny Kazkaz's motion because the Government requires this evidence to prosecute its case against the four remaining co-defendants in the case.

Respectfully submitted,

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Date: May 17, 2024

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

United States of America,

No. 22-mc-50456

Plaintiff,

Hon. Gershwin A. Drain

v.

United States District Judge

Mohamed Kazkaz,

Defendant.

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**BRIEF IN OPPOSITION TO THE DEFENDANT’S MOTION FOR  
RETURN OF PROPERTY**

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Mohamed Kazkaz pleaded guilty to defrauding Medicare and money laundering on July 18, 2023. (23-cr-20022, ECF No. 113, PgID 1071-74). He admitted during his plea hearing that he operated Centre, a business located at his residence, as part of the scheme he led to defraud Medicare. This court sentenced him to 90 months’ imprisonment on October 27, 2024. He is currently in the custody of the Bureau of Prisons. His anticipated release date is March 6, 2030.<sup>1</sup>

Four of his co-conspirators have yet to either proceed to trial or plead guilty. The property to which he refers his in motion to return property includes medical

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<sup>1</sup> Bureau of Prisons Inmate Locator, <https://www.bop.gov/inmateloc//>, accessed on May 17, 2024.

records, business records, digital media, and property which this court ordered forfeited. (23-cr-20022, ECF No. 135, Kazkaz Criminal Judgment, PgID 1315-16). See also, (Exhibit 1, Search Warrant Return, 2). Because of the on-going nature of the criminal case against the remaining conspirators, the government must retain the evidence it collected during the execution of search warrants in this case. While in BOP custody, Kazkaz has no right to possess the property he now seeks nor has he designated a third-party who could act as a property custodian.

To the extent Kazkaz seeks the return of evidence of a crime, including Centre business records, this court should deny his motion. The Government will return this property once it no longer has a need to retain it. Currently, the Government requires the Centre business records to prosecute its case against the remaining defendants. *See United States v. Bowker*, 372 F.3d 365, 387 (6th Cir. 2004)(reversed on other grounds), *See also, United States v. Lafatch* 565 F.2d 81, 83 (6th Cir. 1977)(“[t]he general rule is that seized property, other than contraband, should be returned to its rightful owner once the criminal proceedings have terminated.” To the extent Kazkaz seeks the return of forfeited property, he no longer has standing to contest property the court ordered forfeited. See 21 U.S.C. § 853(g): “following the seizure of property ordered forfeited, the Attorney General shall direct the disposition of such property by sale or any other commercially

feasible means...any property right or interest not exercisable by or transferrable for value to, the United States shall expire and not revert to the defendant.”

For the foregoing reasons, this court should deny Kazkaz’s motion for return of property seized.

Respectfully submitted,

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Date: May 17, 2024

### **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was filed with the Clerk of the Court under via ECF. The United States also served via U.S. Mail this response on or about May 17, 2024, upon the following:

Mohamed Kazkaz, *pro se*  
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Date: May 17, 2024